

Calendar No. 420

108TH CONGRESS  
1ST SESSION**H. R. 1416****[Report No. 108–214]**

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IN THE SENATE OF THE UNITED STATES

JUNE 25, 2003

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NOVEMBER 25, 2003

Reported by Ms. COLLINS, with amendments

[Omit the part struck through and insert the part printed in italic]

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**AN ACT**To make technical corrections to the Homeland Security  
Act of 2002.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Homeland Security  
5       Technical Corrections Act of 2003”.

1 **SEC. 2. TECHNICAL CORRECTIONS RELATING TO CRITICAL**  
2 **INFRASTRUCTURE INFORMATION.**

3 Section 212(3) of the Homeland Security Act of 2002  
4 (Public Law 107–296; 6 U.S.C. 131(3)) is amended by  
5 striking “systems—” and inserting “systems insofar as  
6 such information pertains to—”.

7 **SEC. 3. VISA ISSUANCE.**

8 Section 428(a) of the Homeland Security Act of 2002  
9 (Public Law 107–296; 6 U.S.C. 236(a)) is amended—

10 (1) by striking “subsection,” and inserting  
11 “section,”; and

12 (2) by striking “office” and inserting “officer”.

13 **SEC. 4. RESPONSIBILITIES OF UNDER SECRETARY FOR**  
14 **EMERGENCY PREPAREDNESS AND RE-**  
15 **SPONSE.**

16 Section 502 of the Homeland Security Act of 2002  
17 (Public Law 107–296; 6 U.S.C. 312) is amended by strik-  
18 ing “shall include—” and inserting “shall be responsible  
19 for—”.

20 **SEC. 5. MILITARY ACTIVITIES OF THE COAST GUARD.**

21 Section 876 of the Homeland Security Act of 2002  
22 (Public Law 107–296; 6 U.S.C. 456) is amended to read  
23 as follows:

24 **“SEC. 876. MILITARY ACTIVITIES.**

25 “Nothing in this Act confers on the Secretary any  
26 authority over warfighting, the military defense of the

1 United States, or other military activities that are author-  
 2 ized to be directed by the Secretary of Defense. This Act  
 3 shall not be construed to limit the existing authority of  
 4 the Secretary of Defense over warfighting, the military de-  
 5 fense of the United States, or other military activities, in-  
 6 cluding such activities of the Coast Guard when it is oper-  
 7 ating as a service in the Navy under section 3 of title 14,  
 8 United States Code.”.

9 **SEC. 6. ANNUAL INDEPENDENT EVALUATION OF INFORMA-**  
 10 **TION SECURITY PROGRAM AND PRACTICES**  
 11 **OF AGENCIES.**

12 Section 3535(b)(1) of title 44, United States Code,  
 13 is amended by inserting “or any other law” after “the In-  
 14 spector General Act of 1978”.

15 **SEC. 7. IMMIGRATION-RELATED POWERS AND DUTIES OF**  
 16 **THE SECRETARY AND THE ATTORNEY GEN-**  
 17 **ERAL.**

18 (a) IN GENERAL.—Section 1102 of the Homeland  
 19 Security Act of 2002 (Public Law 107–296; 116 Stat.  
 20 2273) is amended—

21 (1) in the matter preceding paragraph (1), by  
 22 striking “as amended by this Act, is further amend-  
 23 ed by—” and inserting “is amended—”;

24 (2) by amending paragraph (1) to read as fol-  
 25 lows:

1 “(1) by amending the section heading to read  
2 as follows:

3 “ “POWERS AND DUTIES OF THE SECRETARY OF  
4 HOMELAND SECURITY AND THE ATTORNEY GENERAL’ ”;

5 (3) by amending paragraph (2)(D) to read as  
6 follows:

7 “(D) by redesignating the paragraph (8)  
8 added by section 372(3) of the Illegal Immigra-  
9 tion Reform and Immigrant Responsibility Act  
10 of 1996, and the paragraph (9) added by sec-  
11 tion 373 of such Act, as paragraphs (10) and  
12 (11), respectively; and”;

13 (4) in the matter added by paragraph (3)—

14 (A) by striking “the Immigration Reform,  
15 Accountability and Security Enhancement Act  
16 of 2002.” and inserting “the Homeland Secu-  
17 rity Act of 2002.”; and

18 (B) by striking “this section” and insert-  
19 ing “this subsection”.

20 (b) CONFORMING AMENDMENTS TO IMMIGRATION  
21 AND NATIONALITY ACT.—

22 (1) SECTION 103.—Section 103 of the Immigra-  
23 tion and Nationality Act (8 U.S.C. 1103) is amend-  
24 ed—

25 (A) in subsection (a)—

26 (i) in paragraph (2)—

1 (I) by striking “He” and insert-  
2 ing “The Secretary of Homeland Se-  
3 curity”; and

4 (II) by striking “of the Service.”  
5 and inserting “of the Department of  
6 Homeland Security relating to the  
7 powers, functions, and duties con-  
8 ferred upon the Secretary by this Act  
9 and all other laws relating to the im-  
10 migration and naturalization of  
11 aliens.”;

12 (ii) in paragraph (3)—

13 (I) by striking “He” and insert-  
14 ing “The Secretary of Homeland Se-  
15 curity”;

16 (II) by striking “he deems” and  
17 inserting “the Secretary deems”; and

18 (III) by striking “his authority”  
19 and inserting “the Secretary’s author-  
20 ity”;

21 (iii) in paragraph (4)—

22 (I) by striking “He” and insert-  
23 ing “Except as otherwise provided by  
24 law, the Secretary of Homeland Secu-  
25 rity”;

(II) by striking “the Service or the Department of Justice” and inserting “the Department of Homeland Security”; and

(III) by striking “employee of the Service.” and inserting “employee of the Department.”;

(iv) in paragraph (5)—

(I) by striking “He” and inserting “Except as otherwise provided by law, the Secretary of Homeland Security”;

(II) by striking “in his discretion,” and inserting “in the Secretary’s discretion,”; and

(III) by striking “such number of employees of the Service as to him shall appear necessary and proper.” and inserting “such number of employees of the Department of Homeland Security as shall appear necessary and proper to the Secretary.”;

(v) in paragraph (6)—

1 (I) by striking “He” and insert-  
2 ing “The Secretary of Homeland Se-  
3 curity”; and

4 (II) by striking “of the Service.”  
5 and inserting “of the Department of  
6 Homeland Security.”;

7 (vi) in paragraph (7)—

8 (I) by striking “He” and insert-  
9 ing “The Secretary of Homeland Se-  
10 curity”;

11 (II) by striking “of the Service”  
12 each place such term appears and in-  
13 serting “of the Department of Home-  
14 land Security”;

15 (III) by striking “he may,” and  
16 inserting “the Secretary of Homeland  
17 Security may,”; and

18 (IV) by striking “in his judg-  
19 ment” and inserting “in the Sec-  
20 retary’s judgment”;

21 (vii) in paragraph (8), by striking  
22 “Attorney General” and inserting “Sec-  
23 retary of Homeland Security”;

1 (viii) in paragraph (10) (as redesignated by section 1102 of the Homeland Security Act of 2002)—

2 (I) by striking “Attorney General” each place such term appears  
3 and inserting “Secretary of Homeland Security”; and

4 (II) by striking “of the Service.”  
5 and inserting “of the Department.”;  
6 and

7 (ix) in paragraph (11) (as so redesignated)—

8 (I) by striking “Attorney General” and inserting “Secretary of Homeland Security”; and

9 (II) by striking “by the Service”  
10 each place such term appears and inserting “by the Department”;

11 (B) in subsection (b), by striking “Attorney General” each place such term appears and  
12 inserting “Secretary of Homeland Security”;

13 (C) by amending subsection (c) to read as  
14 follows:

15 “(c) The Secretary of Homeland Security may enter  
16 into cooperative agreements with State and local law en-



1 enforcement agencies for the purpose of assisting in the en-  
2 forcement of the immigration laws.”;

3 (D) in subsection (d), by striking “The  
4 Commissioner,” and inserting “The Secretary  
5 of Homeland Security,”;

6 (E) in subsection (e)—

7 (i) by striking “The Commissioner”  
8 and inserting “The Secretary of Homeland  
9 Security”; and

10 (ii) by striking “district office of the  
11 Service” and inserting “field office of the  
12 Department of Homeland Security”; and

13 (F) in subsection (f)—

14 (i) by striking “Attorney General”  
15 and inserting “Secretary of Homeland Se-  
16 curity”;

17 (ii) by striking “of the Immigration  
18 and Naturalization Service” and inserting  
19 “of the Directorate of Border and Trans-  
20 portation Security of the Department of  
21 Homeland Security”; and

22 (iii) by striking “the functions of the  
23 Service,” and inserting “the functions of  
24 the Directorate,”.

1           (2) SECTION 287(g).—Section 287(g) of the Im-  
 2           migration and Nationality Act (8 U.S.C. 1357(g)) is  
 3           amended by striking “Attorney General” each place  
 4           such term appears and inserting “Secretary of  
 5           Homeland Security”.

6           (c) CLERICAL AMENDMENTS.—

7           (1) HOMELAND SECURITY ACT.—The table of  
 8           contents in section 1(b) of the Homeland Security  
 9           Act of 2002 (Public Law 107-296; 116 Stat. 2135)  
 10          is amended by inserting after the item relating to  
 11          section 1103 the following:

“Sec. 1104. Effective date.”.

12          (2) IMMIGRATION AND NATIONALITY ACT.—The  
 13          table of contents of the Immigration and Nationality  
 14          Act is amended by amending the item relating to  
 15          section 103 to read as follows:

“Sec. 103. Powers and duties of the Secretary of Homeland Security and the  
 Attorney General.”.

16          (d) CONSTRUCTION.—The amendments made by this  
 17          section shall not be construed to repeal, or limit the appli-  
 18          cability of, section 456, 462(e), 1512(d), or 1517 of the  
 19          Homeland Security Act of 2002, or any other similar pro-  
 20          vision pertaining to the treatment of references in law,  
 21          with respect to any provision of law that is not amended  
 22          by this section.

1 **SEC. 8. EFFECTIVE DATE OF MODIFICATIONS TO REORGA-**  
2 **NIZATION PLAN.**

3 Section 1502(d) of the Homeland Security Act of  
4 2002 (Public Law 107–296; 6 U.S.C. 542(d)) is amended  
5 by striking “subsection (d)” each place it appears and in-  
6 serting “subsection (c)”.

7 **SEC. 9. REPORT ON WAR RISK INSURANCE FOR AIR CAR-**  
8 **RIERS.**

9 Section 1204 of the Homeland Security Act of 2002  
10 (116 Stat. 2287) is amended—

11 (1) by redesignating subparagraphs (A) through  
12 (C) as paragraphs (1) through (3), respectively, and  
13 by moving the text of such paragraphs 2 ems to the  
14 left;

15 (2) in the matter preceding paragraph (1) (as  
16 so redesignated) by striking “Secretary” and insert-  
17 ing “Secretary of Transportation”; and

18 (3) in paragraph (3) (as so redesignated) by  
19 striking “Department” and inserting “Department  
20 of Transportation”.

21 **SEC. 10. AUTHORITY TO ARM FLIGHT DECK CREW WITH**  
22 **LESS-THAN-LETHAL WEAPONS.**

23 Section 1405(a) of the Homeland Security Act of  
24 2002 (116 Stat. 2307) is amended by striking “section  
25 6 of this Act” and inserting “section 1406 of this Act”.

1 ~~SEC. 11. REQUIREMENT TO SUBMIT REPORTS AND NOTIFI-~~  
 2 ~~CATIONS TO SELECT COMMITTEE.~~

3 *SEC. 11. REQUIREMENT TO SUBMIT REPORTS AND NOTIFI-*  
 4 *CATIONS TO SPECIFIC CONGRESSIONAL COM-*  
 5 *MITTEES.*

6 (a) REQUIREMENT.—The Homeland Security Act of  
 7 2002 (Public Law 107–296) is amended by inserting after  
 8 section 4 the following:

9 ~~“SEC. 5. REQUIREMENT TO SUBMIT REPORTS AND NOTIFI-~~  
 10 ~~CATIONS TO SELECT COMMITTEE ON HOME-~~  
 11 ~~LAND SECURITY.~~

12 *“SEC. 5. REQUIREMENT TO SUBMIT REPORTS AND NOTIFI-*  
 13 *CATIONS TO COMMITTEE ON GOVERNMENTAL*  
 14 *AFFAIRS OF THE SENATE AND SELECT COM-*  
 15 *MITTEE ON HOMELAND SECURITY.*

16 “In any case in which a report or notification is re-  
 17 quired by this Act or an amendment made by this Act  
 18 to be submitted to the Congress or to a ~~Committee com-~~  
 19 *mittee* of the Congress, such report shall also be submitted  
 20 *to the Committee on Governmental Affairs of the Senate*  
 21 *and* the Select Committee on Homeland Security of the  
 22 House of Representatives.”.

23 (b) CLERICAL AMENDMENT.—The table of contents  
 24 in section 1(b) of the Homeland Security Act of 2002  
 25 (Public Law 107–296) is amended by inserting after the  
 26 item relating to section 4 the following:

~~“Sec. 5. Requirement to submit reports and notifications to Select Committee on Homeland Security.”.~~

*“Sec. 5. Requirement to submit reports and notifications to Committee on Governmental Affairs of the Senate and Select Committee on Homeland Security.”.*

1 **SEC. 12. CLARIFICATION OF REPORTING REQUIREMENT**  
 2 **CONCERNING ELECTRONIC COMMUNICA-**  
 3 **TIONS PRIVACY ACT EMERGENCY DISCLO-**  
 4 **SURE EXCEPTION.**

5 Section 225(d)(2) of the Homeland Security Act of  
 6 2002 (Public Law 107–296; 116 Stat. 2157) is amended  
 7 by striking “2702(b) of title 18, United States Code,” and  
 8 inserting “2702(b)(7) of title 18, United States Code (as  
 9 added by paragraph (1)(D)),”.

10 **SEC. 13. EFFECTIVE DATE.**

11 The amendments made by this Act shall take effect  
 12 as if included in the enactment of the Homeland Security  
 13 Act of 2002 (Public Law 107–296).

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